

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:07CR313-MHT
)	
PIERRE MARCELLO GUNNINGS)	

RESPONSE TO COURT ORDER

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and in response to this Court's Order of May 8, 2008, the following is submitted:

1. The defendant was indicted on December 5, 2007, and charged with two counts in connection with the attempted acquisition of a firearm. Count one charges the defendant with making a false statement in the attempted purchase of a firearm in violation of Title 18, United States Code, Section 922(a)(6). Count two charges the defendant with making a false statement with respect to information required to be kept under the provision of Chapter 44 of Title 18, United States Code, in violation of Title 18, United States Code, Section 924(a)(1)(A).

2. The defendant was arraigned on the charges in the indictment on December 21, 2007, and released on bond. Thereafter, on March 14, 2008, the defendant was arrested and appeared on a petition to revoke his bond because he had been arrested by the Auburn Police Department for carrying a pistol without a permit.

3. On May 8, 2008, Gunnings filed a response to the United States' Notice of Intent in which he agreed with the facts as stated above. He further notes the date on which he was alleged to have knowingly made the false statement was December 16, 2006.

4. The question presented is how the proffered evidence that Mr. Gunnings may have carried a pistol without a permit in March 2008, is relevant to this motive or intent to falsify a form some 15 months earlier, or how such evidence would negate any possible claim of accident or mistake that may have impacted how Mr. Gunnings filled out the form in question.

5. In response, the United States submits the obvious purpose of Mr. Gunnings completing the form in question was to acquire a handgun. Because he was then under indictment in Georgia for an offense with a possible sentence exceeding one year, he was prohibited from legally acquiring a firearm by Title 18, United States Code, Section 922(d)(1). This is the question he answered falsely in his application to purchase the handgun when he answered NO to question 11(b), "Are you under indictment or information in a court for a **felony**, or any other crime, for which the judge could imprison you for more than one year, even if you received a shorter sentence including probation." (Copy attached).

6. The fact that Mr. Gunnings possessed a handgun after his indictment in this district is intended to show the jury his charges for the earlier false statement was not an accident or mistake, and that the motive was to have a firearm.

7. Gunnings was brought before this Court on December 21, 2007, in case number 3:07cr313-MHT, the case currently set for trial. He was released on bond that same date on conditions that included that he not possess a firearm. He obviously signed his bond. Thereafter, he was found in possession of a firearm by Michael Roberson of the Auburn Police Department on March 1, 2008. (Copy of bond attached).

8. The defendant's acts are similar in that they show a pattern of intent to possess a handgun. Furthermore, the proffered evidence will not confuse the issues, mislead the jury, or waste time. The

court can and should instruct the jury as to the proper use of the evidence by the jury. Indeed, such limiting instructions have been approved and recommended by the Fifth Circuit, U.S. v. Beechum, 582 F.2d 898 (5th Cir. 1978), as well as the United States Supreme Court. Huddleston v. U.S., 485 U.S. 681 (1988).

Respectfully submitted this the 9th day of May, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Kent B. Brunson
KENT B. BRUNSON
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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
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UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:07CR313-MHT
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PIERRE MARCELLO GUNNINGS)	

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Donnie W. Bethel, Esq.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Kent B. Brunson
KENT B. BRUNSON
Assistant United States Attorney
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Montgomery, Alabama 36101-0197
334-223-7280 Phone
334-223-7135 Fax
[E-mail: kent.brunson@usdoj.gov](mailto:kent.brunson@usdoj.gov)

Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Transaction Record Part I -
Over-the-Counter

WARNING: You may not receive a firearm if prohibited by Federal or State Law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction Serial Number

Prepare in original only. All entries must be in ink. Read the Important Notices, Instructions and Definitions on this form. "Please Print."

2-1123

Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name

Last Name

Gunnings

First Name

Pierre

Middle Name (If no middle name state "NMN")

MARCELO

2. Current Residence Address (Cannot be a post office box.)

Number and Street Address

1770 LAUREN LN

City

Auburn

County

Lee

State

AL

Zip Code

36830

3. Place of Birth

U.S. City/State

Auburn AL

Foreign Country

Lee

4. Height

Ft. 5
In. 11

5. Weight

200

6. Gender

Male ☒
Female ☐

7. Birth Date

Month 5 Day 28 Year 81

8. Social Security Number (Optional, but will help prevent misidentification.)

051 66 03 89

9. Unique Personal Identification Number (UPIN) if applicable (See Instruction to Transferor 6.)

10. Race (Ethnicity) (Check one or more boxes.)

☐ American Indian or Alaska Native☒ Black or African American☐ Native Hawaiian or Other Pacific Islander☐ Hispanic or Latino☐ Asian☐ White

11. Answer questions 11.a. through 12 by writing "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Important Notice 1 for actual buyer definition and examples.)	Yes
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (An information is a formal accusation of a crime by a prosecutor. See Definition 3.)	NO
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Important Notice 4, Exception 1.)	NO
d. Are you a fugitive from justice?	NO
e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	NO
f. Have you ever been adjudicated mentally defective (which includes having been adjudicated incompetent to manage your own affairs) or have you ever been committed to a mental institution?	NO
g. Have you been discharged from the Armed Forces under dishonorable conditions?	NO
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Important Notice 5.)	NO
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Important Notice 4, Exception 1 and Definition 4.)	NO
j. Have you ever renounced your United States citizenship?	NO
k. Are you an alien illegally in the United States?	NO
l. Are you a nonimmigrant alien? (See Definition 6.) If you answered "no" to this question, you are not required to respond to question 12.	NO
12. If you answered "yes" to question 11.l., do you fall within any of the exceptions set forth in Important Notice 4, Exception 2? (e.g., valid State hunting license.) (If "yes," the licensee must complete question 20c.)	NA NO PG

13. What is your State of residence (if any)? Alabama (See Definition 5. If you are not a citizen of the United States, you only have a State of residence if you have resided in a State for at least 90 continuous days immediately prior to the date of this sale.)

14. What is your country of citizenship? (List/check more than one, if applicable.)

☒ United States of America☐ Other (Specify) _____

15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?

I certify that the answers to Section A are true and correct. I am aware that ATF Form 4 contains Important Notices, Instructions, and Definitions. I understand that answering "yes" to question 11.a. if I am not the actual buyer of the firearm is a crime punishable as a felony. I understand that a person who answers "yes" to any of the questions 11.b. through 11.k. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 12. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law. (See Important Notice 6.)

16. Transferee's/Buyer's Signature Dene Gentry 17. Certification Date 12-16-06

Section B - Must Be Completed By Transferor (Seller)

18. Type of firearm(s) to be transferred:
☒ Handgun ☐ Long Gun ☐ Both
 19. Location of sale if at a gun show or other qualifying event. (See Instruction to Transferor 15.) _____ (City, State)

20a. Identification (e.g., driver's license or other valid government-issued photo identification.) (See Instruction to Transferor 1.)
 Type of Identification ALDL Number on Identification 7184235 Expiration Date of Identification (if any)
 Month 05 Day 04 Year 2008

20b. Aliens only: Type and dates of additional required identification (e.g., utility bills or lease agreements.) (See Instruction to Transferor 2.)
 Type of Identification _____ Date(s) _____

20c. Nonimmigrant aliens only: Type of documentation showing an exception to the nonimmigrant alien prohibition (e.g., hunting license/permit; waiver.) (See Instruction to Transferor 3.) _____

Question 21, 22, or 23 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions to Transferor 5-8.)

21a. The transferee's identifying information in Section A was transmitted to NICS or the appropriate State agency on: 12-16-06 (Date)
 21b. The NICS or State transaction number (if provided) was: OZJ4-258
 21c. The response initially provided by NICS or the appropriate State agency was:
☐ Proceed ☒ Delayed Trans 21st 3745 1/5a
☐ Denied [The firearm(s) may be transferred on
☐ Cancelled (MDI date provided by NICS)
if State law permits (optional)]
 21d. If initial NICS or State response was "Delayed," the following response was received from NICS or the appropriate State agency:
☐ Proceed _____ (date)
☒ Denied 12-19-06 (date) Stephanie
☐ Cancelled _____ (date)
☐ No resolution was provided within 3 business days.

21e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: _____ (date). ☐ Proceed ☐ Denied ☐ Cancelled

21f. The name and Brady identification number of the NICS examiner (optional) _____ / _____ (name) (number)
 22. ☐ No NICS check was required because the transfer involved only NFA firearm(s). (See Instruction to Transferor 8.)

23. ☐ No NICS check was required because the buyer has a valid permit from the State where the transfer is to take place which qualifies as an exemption to NICS (See Instruction to Transferor 8.)
 State Permit Type _____ Date of Issuance (if any) _____ Expiration Date (if any) _____ Permit Number (if any) _____

Section C

If the transfer of the firearm(s) takes place on a different day from the date that the transferee (buyer) signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instruction to Transferee 3 & Instruction to Transferor 9.)

I certify that the answers I provided to the questions in Section A of this form are still true and correct.

24. Transferee's/Buyer's Signature _____ 25. Recertification Date _____

Section D (See Instructions to Transferor 10-11.)

26. Manufacturer and/or Importer	27. Model	28. Serial Number	29. Type (pistol, revolver, rifle, shotgun, etc.)	30. Caliber or Gauge

Complete ATF Form 310.4 for Multiple Purchases Of Handguns (Instruction to Transferor 13.)

31. Trade/corporate name and address of transferor (seller) (Hand stamp may be used.)

PAWN CENTRAL, INC.
1622 PEPPERELL PKWY SUITE 4
OPELIKA, AL 36801

32. Federal Firearms License Number (Complete 15 digit FFL Number.) (Hand stamp may be used.)

FFL#1-63-081-02-9A-34075

On the basis of (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer *if the transfer does not occur on the day Section A was completed*); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.

33. Transferor's/Seller's Name (Please print.)	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transfer is Completed
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Important Notices

- Actual Buyer:** For purposes of this form, you are the actual buyer if you are purchasing the firearm for yourself or otherwise acquiring the firearm for yourself (for example, redeeming the firearm from pawn/retrieving it from consignment, firearm raffle winner). You are also the actual buyer if you are legitimately acquiring the firearm as a gift for a third party. **ACTUAL BUYER EXAMPLES:** Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is NOT the actual buyer of the firearm and must answer "no" to question 11.a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown goes to buy a firearm with his own money to give to Mr. Black as a present, Mr. Brown is the actual buyer of the firearm and should answer "yes" to question 11.a. Please note, if you are picking up a repaired firearm for another person, you should answer "n/a" to question 11.a.
- Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she lawfully may sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form only should be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and keep proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun to a resident of another State, the seller is presumed to know applicable State laws and published ordinances in both the seller's State and the buyer's State.

- Background Checks:** The Brady law, 18 U.S.C. § 922(t), requires that prior to transferring any firearm to an unlicensed person, a licensed importer, manufacturer or dealer must first contact the National Instant Criminal Background Check System (NICS). NICS will advise the licensee whether the system finds any information that the purchaser is prohibited by law from possessing or receiving a firearm. For purposes of this form, contacts to NICS include contacts to State agencies designated to conduct NICS checks for the Federal Government. **WARNING:** Any seller who transfers a firearm to any person they know or have reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law even if the seller has complied with the background check requirements of the Brady law.
- Prohibited Persons:** Generally, 18 U.S.C. § 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a misdemeanor crime of domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); is a fugitive from justice; is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated mentally defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; has renounced his or her U.S. citizenship; is an alien illegally in the United States or a nonimmigrant alien; or is subject to certain restraining orders. Furthermore, section 922 prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony, or any other crime, punishable by imprisonment for a term exceeding one year.

ATF Form 4473 (5300.9) Part I
Revised July 2005

AO 98 Appearance Bond

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA)	APPEARANCE BOND
)	
v.)	
)	
PIERRE MARCELLO GUNNINGS)	CR. NO. 3:07cr313-MHT


Non-surety: I, the undersigned defendant, acknowledge that I and my personal representatives, jointly and severally, are bound to pay to the United States of America the sum of \$25,000.00.

The conditions of this bond are that the defendant, PIERRE MARCELLO GUNNINGS, is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performed the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

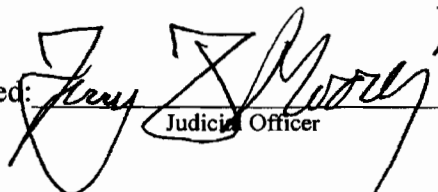
This bond is signed on at MONTGOMERY, ALABAMA.


 Defendant's Signature

Address: 338 Eastland, Apt. #20
 Auburn, AL 36830
 (334) 444-0636 cellular

Signed and acknowledged before me on December 21, 2007.

Approved:


 Judicial Officer


 Judicial Officer/Clerk

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA

v.

PIERRE MARCELLO GUNNINGS

) **ORDER SETTING CONDITIONS
OF RELEASE**

) CR. NO. 3:07cr313-MHT

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U. S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear as directed by the court or the Pretrial Services Officer..

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (☒) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of Twenty-five Thousand dollars (\$25,000.00) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is **FURTHER ORDERED** that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____ December 21, 2007
Custodian or Proxy

- (XXX) (7) The defendant shall:
- (X) (a) report to Pretrial Services, Middle District of Alabama as directed by the Pretrial Services Officer.
 - (X) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \$25,000.
 - () (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above described
 - () (d) execute a bail bond with solvent sureties in the amount of \$
 - (X) (e) maintain or actively seek employment.
 - () (f) maintain or comment an education program.
 - () (g) surrender any passport to
 - () (h) obtain no passport.
 - (X) (i) abide by the following restrictions on his personal associations, place of abode, or travel. The defendant's travel is restricted to the Middle District of Alabama. All travel should requested in advance and approved by the supervising probation officer.
 - (X) (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:
 - () (k) undergo medical or psychiatric treatment and/or remain in an institution as follows:
 - () (l) after release for employment, education or other purpose as allowed by the Pretrial Services Officer, return to custody daily as directed by the Pretrial Services Officer.
 - () (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services officer or supervising officer.
 - (X) (n) do not possess a firearm, destructive device, or other dangerous weapon.
 - (X) (o) refrain from excessive use of alcohol.
 - (X) (p) refrain from any use or unlawful possession of narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - (X) (q) submit to any method of testing required by the pretrial services officer or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
 - (X) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer. You shall pay all or part of the cost of the program based on your ability to pay as determined by the pretrial service office or supervising officer.
 - (X) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
 - () (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based on your ability to pay as determined by the pretrial service office or supervising officer.
 - () (i) **Curfew.** You are restricted to your residence every day as directed by the pretrial service office or supervising officer; or
 - () (ii) **Home Detention.** You are restricted to you residence at all times except for employment; education; religious services; other activities as approved by the pretrial service office or supervising officer; or
 - () (ii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances as pre-approved by the pretrial service office or supervising officer.
 - (X) (u) report as soon as possible, to the pretrial service office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
 - (X) (v) refrain from possession of any type of drug paraphernalia.
 - (X) (w) follow all instructions of the supervising probation officer.
 - () (x) The defendant is prohibited from acquiring any further debt except for religious, medical, educational or subsistence expenses unless granted permission from the probation officer.

Advice of Penalties and Sanctions**TO THE DEFENDANT:****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. §3148, and a prosecution for contempt as provided in 18 U.S.C. §401 which could result in a possible term of imprisonment or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not less than two years nor more than ten years, if the offense is a felony; or a term of imprisonment of not less than ninety days nor more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

18 U.S.C. §1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. §1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. §1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

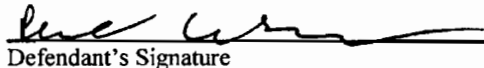
It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

Address: 338 Eastland, Apt. #20

City, State & Zip: Auburn, AL 36830

Telephone: (334) 444-0636 cellular

Directions to United States Marshal

- (√) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: December 21, 2007


TERRY F. MOORE
UNITED STATES MAGISTRATE JUDGE

DIRECTIONS TO CLERK: Provide one copy each to Court File, U.S. Attorney, U.S. Marshal and Pretrial Services